

# 39

PTO/SB/61 (10-00)

Approved for use through 10/31/2002, OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)Docket Number (Optional)  
OMRF 143 CIP (2)

First named inventor: Eugen Koren

Group Art Unit: 1645

Application Number: 08/765,324

Examiner: P. Duffy

Filed: December 24, 1996

Title: METHOD FOR MAKING ANTIBODIES IMMUNOREACTIVE  
WITH AN EPITOPE OF AN APOLIPOPROTEIN FAX RECEIVEDAttention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

FEB 13 2003

PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus any extensions of time actually  
obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed  
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

## 1. Petition fee

small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

other than small entity - fee \$ 130.00 (37 CFR 1.17(l)).

## 2. Reply and/or fee:

A. The reply and/or fee to the above-noted Office action in  
the form of N/A; SEE DETAILED EXPLANATION ON PAGE 3 (identify the type of reply):

has been filed previously on \_\_\_\_\_

is enclosed herewith.

## B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \_\_\_\_\_

is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee N/A; SEE DETAILED EXPLANATION ON PAGE 3**

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 13, 2003

Date

Signature

Telephone  
Number: (404) 817-8473

Patrea L. Pabst, Reg. No. 31,284

Typed or printed name

HOLLAND &amp; KNIGHT LLP

One Atlantic Center, Suite 2000  
1201 West Peachtree Street NE  
Atlanta, Georgia 30309-3400Enclosures:  Petition Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

Fee Transmittal Form PTO/SB/17 (in duplicate)

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 13, 2003

Date



Signature

Pam Turnbough

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

February 13, 2003

Date

  
SignaturePatrea L. Pabst, Reg. No. 31,284

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

This application was abandoned for Applicants' failure to reply to an Office Action mailed on June 18, 2002, which was never received by Applicants' attorney of record. The last Office Action of which Applicants were aware was mailed on December 5, 2001. An Amendment and Response to this was timely filed by Applicants on March 5, 2002.

On August 29, 2002, Patrea Pabst, Applicants' attorney of record, telephoned the Examiner and the Examiner's supervisor to inquire as to the status of this case. Voice mail messages were left for the Examiner and her supervisor which were never returned.

On January 29, 2003, the Examiner mailed a Notice of Abandonment for failure to reply to the Office Action mailed on June 18, 2002. The Examiner made no attempt to contact Applicants' attorney of record by telephone prior to abandoning the case.

Therefore, this application was abandoned not only due to the failure of the Office Action to be received but a failure of the Examiner to respond to the undersigned's inquiry.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1868 for any petition fee deemed due (Fee Transmittal Form PTO/SB/17 enclosed in duplicate). However, no fee is believed to be due in connection with this Petition, as the abandonment was erroneous on the part of the U.S. Patent and Trademark Office. Applicants therefore respectfully request that no fee be charged.

(Please attach additional sheets if additional space is necessary)

[Page 3 of 3]